



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2004.

Name of Registered Representative:

John C. Freeman  
John C. Freeman, Reg. No. 34,483

January 26, 2004  
Date of Signature

PATENT  
CASE NO. 56/327

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Dieter Michel et al. )  
) Group Art Unit: 2877  
Serial No.: 09/365,118 )  
) Examiner: Natividad, Philip Sana  
Filed: July 30, 1999 )  
)  
For: ROTARY POSITION )  
MEASURING SYSTEM )

RECEIVED  
FEB - 4 2004  
TECHNOLOGY CENTER 2800

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following reference for consideration by the Examiner. In particular the requirements of 37 C.F.R. § 1.97(d) have been satisfied as shown by the attached certification in accordance with 37 C.F.R. § 1.97(e) and the concurrent filing of a check for the amount of \$180 to cover the Rule 97(d) fee set forth under Rule

1.17(p). A copy of the reference is enclosed along with a completed copy of Form PTO-1449.

**I. DISCLOSURE**

**A. Foreign Patent References**

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
0 735 346 A2	EP	10/02/96

**II. DISCUSSION**

**A. European Reference No. 0 735 346**

Based solely on the drawings and an English-language database abstract, the '346 reference is pertinent because it appears to disclose an optical position monitor that uses grids with diagonal grid zones with markings with different pitch periods. It is believed that U.S. Patents Nos. 5,777,322 and 5,994,692 are English-language counterparts of the '346 reference.

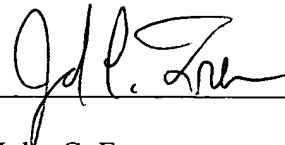
The '346 reference was cited in an Office Action in European Patent Application 99 11 3954, the European counterpart of the above-mentioned application.

**III. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Freeman", is written over a horizontal line.

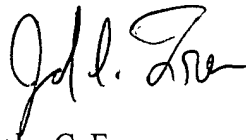
John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: January 26, 2004

**CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(1)**

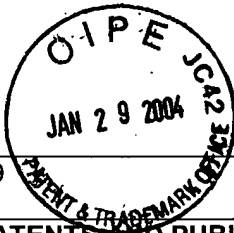
I, John C. Freeman, certify that each item of information contained in the information disclosure statement attached hereto was first cited in an Office Action regarding European Patent Application No. 99 11 395410-522402, which is a counterpart foreign patent application of U.S. Patent Application Serial No. 09/365,118. The European Office Action was mailed not more than three months prior to the filing of the attached information disclosure statement.



Date: January 26, 2004

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200



FORM PTO-1449	SERIAL NO. 09/365,118	CASE NO. 56/327
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE July 30, 1999	GROUP ART UNIT 2877
APPLICANT(S): Dieter Michel et al.		

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B1	0 735 346 A2	10/02/1996	EP		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>
---------------------	--

RECEIVED  
FEB - 4 2004  
TECHNOLOGY CENTER 2800

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.